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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,697	09/17/2001	Anne-Francoise Burnol	045636-5051	8953

9629 7590 02/20/2003

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

NICHOLS, CHRISTOPHER J

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/936,697

Applicant(s)

BURNOL ET AL.

Examiner

Christopher Nichols, Ph.D.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 8-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) ~~1-13~~ <sup>8-13</sup> (each in part), drawn to SEQ ID NO: 1 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 2, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 2 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 3, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 3 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 4, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 4 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 5, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 5 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 6, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 6 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 7, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 7 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 8, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 8 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 9, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 9 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 10, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 10 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 11, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 11 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 12, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 12 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 13, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 13 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 14, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 14 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 15, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 15 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 16, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 16 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 17, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 17 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 18, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 18 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 19, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 19 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 20, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 20 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 21, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 21 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 22, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 22 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 23, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 23 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 24, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 24 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 25, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 25 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

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Group 26, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 26 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 27, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 27 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 28, claim(s) 1-13 (each in part), drawn to SEQ ID NO: 28 and a method for detecting molecules capable of modeling the tyrosine kinase activity of the insulin receptor.

Group 29, claim(s) 14-20, drawn to a method of treating a disease involving insulin.

4. The inventions listed as Groups 1-29 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

5. Group 1 recites the technical features of SEQ ID NO: 1, which is not required by the other Groups.

6. Group 2 recites the technical features of SEQ ID NO: 2, which is not required by the other Groups.

7. Group 3 recites the technical features of SEQ ID NO: 3, which is not required by the other Groups.

8. Group 4 recites the technical features of SEQ ID NO: 4, which is not required by the other Groups.

9. Group 5 recites the technical features of SEQ ID NO: 5, which is not required by the other Groups.

10. Group 6 recites the technical features of SEQ ID NO: 6, which is not required by the other Groups.

11. Group 7 recites the technical features of SEQ ID NO: 7, which is not required by the other Groups.

12. Group 8 recites the technical features of SEQ ID NO: 8, which is not required by the other Groups.

13. Group 9 recites the technical features of SEQ ID NO: 9, which is not required by the other Groups.

14. Group 10 recites the technical features of SEQ ID NO: 10, which is not required by the other Groups.

15. Group 11 recites the technical features of SEQ ID NO: 11, which is not required by the other Groups.
16. Group 12 recites the technical features of SEQ ID NO: 12, which is not required by the other Groups.
17. Group 13 recites the technical features of SEQ ID NO: 13, which is not required by the other Groups.
18. Group 14 recites the technical features of SEQ ID NO: 14, which is not required by the other Groups.
19. Group 15 recites the technical features of SEQ ID NO: 15, which is not required by the other Groups.
20. Group 16 recites the technical features of SEQ ID NO: 16, which is not required by the other Groups.
21. Group 17 recites the technical features of SEQ ID NO: 17, which is not required by the other Groups.
22. Group 18 recites the technical features of SEQ ID NO: 18, which is not required by the other Groups.
23. Group 19 recites the technical features of SEQ ID NO: 19, which is not required by the other Groups.
24. Group 20 recites the technical features of SEQ ID NO: 20, which is not required by the other Groups.
25. Group 21 recites the technical features of SEQ ID NO: 21, which is not required by the other Groups.
26. Group 22 recites the technical features of SEQ ID NO: 22, which is not required by the other Groups.
27. Group 23 recites the technical features of SEQ ID NO: 23, which is not required by the other Groups.
28. Group 24 recites the technical features of SEQ ID NO: 24, which is not required by the other Groups.

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29. Group 25 recites the technical features of SEQ ID NO: 25, which is not required by the other Groups.

30. Group 26 recites the technical features of SEQ ID NO: 26, which is not required by the other Groups.

31. Group 27 recites the technical features of SEQ ID NO: 27, which is not required by the other Groups.

32. Group 28 recites the technical features of SEQ ID NO: 28, which is not required by the other Groups.

33. Group 29 recites the technical features of treating a disease, which is not required by the other Groups.

34. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

35. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher James Nichols, Ph.D. whose telephone number is (703) 305-3955. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN  
February 6<sup>th</sup>, 2003

*Gary d. Kunz*  
**GARY KUNZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**